App. F. IX-4

PRESERVED

1937.
(C5)

File No. 202-37

Previous References

Serial Nos. 1-2

Letter References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 7

Part B for July 1938

SUBJECT.

Addition of a new rule 20.A. to the Rules under the Bye Legal Practitioners Act. for allowing addl cost when there is a need for engaging two counsel in certain Cases.

Sl. 2

To the Regr Hcl-

Mop. 29/7 & 14.7.38

WD 0418—GPB—22,500—29-8-36

Sanctions the addition of the rule

29/8/38

2.28/ (1

General and Revenue Secretariat | Cls File No. 202 of 1937. | [App. F. III—2

Serial No. 1

From
The Registrar High Court
Rec No 1009/37-38 dt 13.6.1938.

Requests sanction to the Additions of a new Rule ~~to Rule~~ 20A to the Rules under the Mysore Legal practitioners Act

Submitted for Orders

Chm 21/6 WDR

A rule of this kind is necessary whenever a Senior Counsel is assisted by a Junior Counsel in important cases the Court does not award any fee to the Junior but in some cases the services of a Junior Counsel are essential & the share to be paid for the services of the Junior Counsel is proposed for the Junior. This may be sanctioned by Chief Secy)

I Member

24.6

CHIEF SECRETARY. GOVT. OF MYSORE.

160/S/7

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6/7

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-8-37

Sd/ 4.7

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R. O. C. No. 1009 Dis. 37-38

Eq: Gen

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 13th June 1938. 193 .

Cfs 202-37-1

FROM T. SHAMIENGAR, Esq., B.A., B.L.,
~~S Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

To H.V. RAMASVAMI, Esq., M.A., B.L.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

I am directed to state that the Law Association of Bangalore has sent to the High Court a copy of a resolution passed at a Special General Meeting of the Association held on 7th March 1938, requesting the High Court to frame rules requiring the engagement of two Counsel, one of whom shall be a junior of not more than ten years' standing, in every Original Suit filed in a Subordinate Judge's Court or a District Court and in all Regular Appeals filed in the High Court and providing that in all such cases a double set of fees be awarded, the junior being allowed at least half the fee allowed to the senior Counsel. The Judges of the High Court have considered the suggestion made in the said resolution and are of opinion that the rule suggested would be very oppressive to litigants and indeed quite improper. There are many suits in District and Subordinate Judges' Courts and many First Appeals in the High Court in which it is quite unnecessary to engage two Counsel. But the majority of the Judges are of opinion that a rule may be made that in any case in the High Court or in any Original Suit in a District Court the Court may certify at the time of pronouncing its judgment or order that it was appropriate that any party should engage two Counsel and that on such a certificate being given in calculating the costs of that party fifty per cent should be added to the fees calculated according to Rules 19 and 20 of the Rules under the Legal Practitioners' Act (printed as Part II of Appendix I at pages 296 to 302 of Volume II, Civil Rules of Practice and Circular Orders). The High Court proposes to make a rule accordingly.

accordingly. It appears that several High Courts in British India have rules allowing additional fees to be included in costs recoverable by special leave of the Court in cases of difficulty, in which the party concerned has engaged more than one Counsel.

2. I am directed therefore to enclose a draft of the proposed new rule and to request that the Government will be pleased to accord sanction to it under Section 20 of the Legal Practitioners' Act, 1884.

I have the honour to be,

Sir,

Your most obedient servant,

J. Ramiengar

REGISTRAR.

N.G.

(4

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Civil Side.

Under the powers conferred by Section 20 of the Mysore Legal Practitioners' Act - III of 1884, as subsequently amended, the High Court of Mysore with the previous sanction of the Government directs that the following rule be added as Rule 20 A of the Rules made under the said Act, (printed as Part II of Appendix I of Volume II of the Civil Rules of Practice and Circular Orders), viz.,-

"20 A. In any case in the High Court or in any Original suit in a District Court the Court may certify at the time of ~~xxx~~ pronouncing its judgment or order that it was appropriate that any party to the case should engage two Counsel. In cases in which such a certificate is made fifty per cent will be added to the fee allowed by Rules 19 and 20 above in calculating the costs of that party".

REGISTRAR.

N.G.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Letter No.Roc.1009/37-38 dated 13th June 1938 from the Registrar, High Court, requesting, in the circumstances explained, sanction to the addition of a new Rule as Rule 20 A of the Rules made under the Mysore Legal Practitioner's Act III of 1884 as set out in the appended statement.

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ORDER NO. P 297 Cg-202-37-2 Bangalore

Dated, Bangalore, the 14th July 1938.

S A N C T I O N E D .

Chief Secretary to Government.

To

The Registrar, High Court of Mysore, Bangalore.

S/2.